

ORDINANCE NUMBER 1731

AN ORDINANCE OF THE CITY OF MILWAUKIE VACATING A PORTION OF S.E. 23RD AVENUE NORTH OF S.E. WILLARD STREET AND SOUTH OF THE NORTH LINE OF YOUNG'S ADDITION SUBDIVISION.

WHEREAS, the City received a sufficient petition requesting vacation of a portion of S.E. 23rd Avenue; and

WHEREAS, the request was reviewed by the Milwaukie Traffic Safety Commission and the Milwaukie Planning Commission; and

WHEREAS, a public hearing was held before the City Council on January 19, 1993 upon proper notice and in accordance with ORS Chapter 271;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds that notice has been duly given of this vacation, consent of the requisite owners has been obtained, and the vacation is in the public interest.

Section 2. The following described street is vacated:

See Attached "Exhibit 1";

and reserving a utility easement over the entire area to be vacated for the City of Milwaukie sanitary sewer, storm drainage, and water lines, along with Portland General Electric, U.S. West Communications, Northwest Natural Gas, Jones Intercable, and other publicly-franchised utilities;

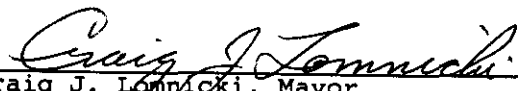
and reserving a public transit easement for the City of Milwaukie over the entire area to be vacated for future bus and/or rail transit.

Section 3. The City Recorder is directed to file a certified copy of this ordinance with the County Clerk, Assessor and Surveyor for Clackamas County, Oregon.

Read the first time on January 19, 1993, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on January 19, 1993.

Signed by the Mayor on January 22, 1993.


Craig J. Lomnicki, Mayor

ATTEST:


Pat DuVal, City Recorder

Approved as to form:


City Attorney



PACIFIC

3405 S.W. Nimbus Avenue
P.O. Box 80040
Portland, OR 97280

EXHIBIT 1

LEGAL DESCRIPTION FOR 22ND STREET RIGHT-OF-WAY VACATION CITY OF MILWAUKIE, OREGON

A parcel of land consisting of a portion of 22nd Street as depicted on the Map Showing Property Dedicated for Streets and Parts of Streets in YOUNG'S ADDITION, county survey plat map No. 520 in the Clackamas County Survey Records, and a portion of 22nd Street previously dedicated as Franklin Street on the plat of DUERST'S ADDITION to the Town of Milwaukie, recorded as plat map No. 263 in the Clackamas County Survey Records, and being within the Northwest one-quarter of Section 36, Township 1 South, Range 1 East, of the Willamette Meridian, in the City of Milwaukie, Clackamas County, Oregon, with said parcel being more particularly described as follows:

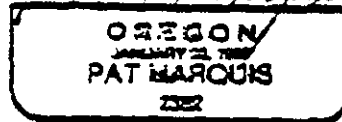
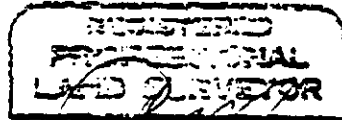
Commencing at the Initial Point of YOUNG'S ADDITION, a subdivision plat map recorded as map No. 460 of the Clackamas County Survey Records, and running thence along the North line of said YOUNG'S ADDITION North $81^{\circ}37'00''$ East 35.00 feet to the westerly right-of-way line of 23rd street and the TRUE POINT OF BEGINNING: Thence continue tracing the North line of YOUNG'S ADDITION North $81^{\circ}37'00''$ East 40.04 feet to the easterly right-of-way line of said 23rd Street; thence leaving said North line and tracing said easterly right-of-way line and the easterly line of 22nd street through the following courses and distances: South $10^{\circ}52'00''$ East 0.07 feet to a point of curvature; thence tracing the arc of a 140.00 foot radius curve to the right through a central angle of $44^{\circ}01'41''$ an arc distance of 107.58 feet (the long chord bears South $11^{\circ}08'50''$ West 104.95 feet) to a point of reverse curvature; thence tracing the arc of a 115.96 foot radius curve to the left through a central angle of $41^{\circ}56'00''$ an arc distance of 84.37 feet (the long chord bears South $12^{\circ}10'00''$ West 82.99 feet) to a point of tangency; thence South $08^{\circ}52'00''$ East 158.15 feet to a point of curvature; thence tracing the arc of a 50.00 foot radius curve to the left through central angle of $90^{\circ}00'00''$ an arc distance of 78.34 feet (the long chord bears South $53^{\circ}52'00''$ East 70.71 feet) to a point of tangency with the northerly right-of-way line of Willard Street; thence leaving the easterly right-of-way line of 22nd street and tracing the westerly extension of the northerly right-of-way line of Willard Street South $81^{\circ}08'00''$ West 120.00 feet to the westerly right-of-way line of 22nd Street; thence tracing said westerly right-of-way line North $08^{\circ}52'00''$ West 284.02 feet to the northerly line of the vacated Madison Street right-of-way; thence tracing the easterly extension of said northerly line North $81^{\circ}06'00''$ East 14.23 feet to a point of curvature and the northwesterly right-of-way line of said 22nd street; thence tracing the arc of a 68.05 foot radius curve to the left through a central angle of $48^{\circ}04'00''$ an arc distance of 57.09 feet (the long chord bears North $57^{\circ}04'00''$ East 55.43 feet); thence continue along said 22nd Street westerly

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right-of-way line North $33^{\circ}08'00''$ East 7.79 feet to a point of curvature; thence tracing the arc of a 100.00 foot radius curve to the left through a central angle of $44^{\circ}00'00''$ an arc distance of 76.79 feet (the long chord bears North $11^{\circ}08'00''$ East 74.92 feet) to a point of tangency; thence North $10^{\circ}52'00''$ West 1.30 feet to THE TRUE POINT OF BEGINNING.

Containing 25,750 square feet or 0.591 acres.

0516-0201-3401 HIGH LEG



10-19-92